    (a) contacting said intact biological compartment with radio frequency energy, thereby producing an excited NMR-detectable nucleus;

    (b) collecting radio frequency data from said excited NMR-detectable nucleus, thereby producing said NMR data set, and

    (c) analyzing said data set to extract said structural information for said selected macromolecule from said data set.

REMARKS

The restriction requirement rests on admittedly related claim groups, termed as a "combination" and a "subcombination," being distinct based on an alleged showing that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)).

In support of the first prong of the stated requirement, the office action alleges, "...the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination requires that the NMR-detectable nucleus *is not* ^{19}F" (emphasis added). Applicants respectfully point out that the position taken in the office action rests on an impermissible presumption that the point of patentability of restricted group II is an exclusion of the ^{19}F nucleus from the set of available NMR-detectable nuclei. There is no admission nor basis for such a presumption prior to examination of the claims on their merits. Accordingly, the restriction requirement should be withdrawn.

In support of the second prong of the stated requirement, the office action presents the position that, "The subcombination has separate utility such as use in screening drug modulation or inhibition of intracellular proteins." Applicants again respectfully traverse. The office action fails to indicate how a method combination comprising use of any NMR-detectable nucleus can lack utility allegedly possessed by the suggested subcombination comprising use of any NMR-detectable nucleus but one.